

*“A thriving
community, making
the most of our
coastline, ranges and
rural settings to
support us to grow
and prosper”*

ORDINARY COUNCIL MEETING Agenda

Meeting Date Friday 18 July 2025

Meeting Time 9:00 am

**To be held at Chapman Valley
Administration Office, 3270 Chapman
Valley Road, Nabawa WA 6532,
Council Chambers.**

Jamie Criddle

Chief Executive Officer



SHIRE OF

Chapman Valley

love the rural life!

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

"A thriving and diverse community, embracing our coastline, ranges and rural settings to support growth and prosperity, while enjoying our peaceful and quiet lifestyle."

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

- 1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues
- 1.2 Address identified ageing population issues
- 1.3 Strengthen our role in regional partnerships and advocacy for continuity of local services/ facilities
- 1.4 Maintain and enhance safety and security in the Shire
- 1.5 Maximise health and lifestyle outcomes through environmental and public health strategies



ECONOMY & POPULATION

- 2.1 Build population and business activity through targeted strategies
Provide support for business development and local employment
- 2.2 Embrace local tourism and regional strategies and trails
- 2.3 Ensure town planning compliments economic and business development, population retention and growth strategies
- 2.4 Develop marketing plan to promote Chapman Valley as place to live, invest, work or visit



ENVIRONMENT & SUSTAINABILITY

- 3.1 Preserve and protect the natural environment and address environmental risks as they arise
- 3.2 Maintain the rural identity of the Shire
- 3.3 Build the green canopy of the Shire's town areas
- 3.4 Address weed and vermin control
- 3.5 Fire mitigation and control



PHYSICAL & DIGITAL INFRASTRUCTURE

- 4.1 Develop, manage, and maintain built infrastructure
- 4.2 Manage and maintain roads, drainage, and other essential infrastructure assets
- 4.3 Aspire to robust communication and digital infrastructure in the Shire through strong partnerships and alliances
- 4.4 Advocate for improved power networks
- 4.5 Advocate for improved water security within the Shire



GOVERNANCE & ACCOUNTABILITY

- 5.1 Ensure governance and administration systems, policies and processes are current and relevant
- 5.2 Be accountable and transparent while managing human and physical resources effectively
- 5.3 Make informed decisions within resources and areas of responsibility
- 5.4 Ensure robust processes and guidelines for development

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.

AUDIO RECORDING OF MEETING

In accordance with Regulation 14(l) of the Local Government (Administration) Regulations 1996, Band 3 & 4 Local Governments are required to make and retain audio recordings of all Council meetings.

All Council meetings are electronically recorded for minute taking purposes, including when Council resolves to close a meeting to the public, in accordance with s 5.23 of the Local Government Act 1995, and 'Proceed behind Closed Doors'.

Recordings of open proceedings will be published on the local government's website within 14 days of the meeting taking place. All recordings are retained as part of the Shire's records in accordance with the State Records Act 2000, Local Government Act 1995 & Administration Regulations.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

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1 Declaration of Opening & Announcements of Visitors

The President will welcome elected members, staff and visitors to the council meeting and declaring the meeting open.

“The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.”

2 Announcements from the Presiding Member

3 Record of Attendance

3.1 Attendees

The following are anticipated to attend the council meeting:

Elected Members

Cr Nicole Batten (President)

Cr Trevor Royce (Deputy President)

Cr Philip Blakeway

Cr Catherine Low

Cr Emma Rodney

Officers

Jamie Criddle, Chief Executive Officer

Simon Lancaster, Deputy Chief Executive Officer

Dianne Raymond, Manager Finance & Corporate Services

Corrine Smith, Minute Taker

Visitors

3.2 Apologies

3.3 Previously Approved Leave of Absence (By Resolution of Council)

Cr Elliott-Lockhart has been approved by resolution to take a leave of absence for the July 2025 meeting.

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Local Government Act 1995
SHIRE OF CHAPMAN VALLEY
Standing Orders Local Law 2016
Part 6 - Public participation

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

5 Applications for Leave of Absence

6 Disclosure of Interest

Local Government Act 1995

Administration Part 5

Disclosure of financial interests and gifts Division 6

s. 5.59

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B:

“a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- or (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality):

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

7 Presentations

Local Government Act 1995

SHIRE OF CHAPMAN VALLEY

Standing Orders Local Law 2016

Part 6 - Public participation

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either:
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a presentation means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of

the CEO.

7.1 Petitions

The Council has not received any petitions at the time of writing this report.

7.2 Presentations

The Council does not anticipate any presentations at the time of writing this report.

7.3 Deputations

The Council has not received any deputations at the time of writing this report.

8 Confirmation of Minutes from Previous Meetings

Recommendation

That the Minutes of the Ordinary Council Meeting held on 19 June 2025 be confirmed as true and accurate.

9 Items to be dealt with En Bloc

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Potential Disposal Lot 24 Chapman Valley Road, Yuna
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	103.04, A1346 & A1345
Attachment(s)	1. enquirer letter 3.7.2025 [10.1.1.1 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

That Council resolve to dispose of Lot 24 Chapman Valley Road, Yuna via a formal tender process pursuant to Section 3.58(2)(b) of the *Local Government Act 1995* and clause 30(2a)(b) of the *Local Government (Functions and General) Regulations 1996*.

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The Shire has received an enquiry from the landowners of 7058 (Lot 102) Chapman Valley Road, Yuna (Gary & Diane Obbard) enquiring whether Council would consider selling the adjoining Shire owned Lot 24. This report recommends that Council proceed with the calling of tenders inviting purchase of Lot 24 Chapman Valley Road, Yuna.

Figure 10.1.1.1 – Location map for Lot 24 Chapman Valley Road, Yuna



Comment

Lot 24 is a vacant, residential zoned 809m² lot in the Yuna townsite with a 20.12m wide frontage on the south side of Chapman Valley Road.

The Shire does not have an identified purpose for this property and the asset could be considered surplus to Shire requirements.

The adjoining landowners to the west have enquired about the possibility of purchasing Lot 24. Their intention would be to amalgamate the properties to enable the subsequent development of a shed upon the (former) Lot 24 to house their motorhome.

A copy of the neighbouring landowner's correspondence has been provided as **Attachment 10.1.1**.

It is not considered in this instance that a neighbouring party to Lot 24 would have rival interest in acquiring the property, other than the landowner of Lot 102. The residential property to the east of Lot 24 is 7064 (Lot 25) Chapman Valley Road, Yuna which is owned by the Government Employees Housing Authority. The land to the rear of Lot 24 is a 9.3087ha parcel of Vacant Crown Land.

Given that Lot 24 and Lot 102 are zoned 'Residential' the landowner (should they be successful in their purchase of Lot 24) would be required to amalgamate the 2 lots to meet with the requirements of Section 6.6 of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings that does not support outbuildings upon vacant residential land.

As a basis for comparison when the Shire agreed to sell its Lots 26 & 27 Chapman Valley Road in the Nabawa townsite to the neighbouring landowner of Lot 27 in 2021 the cost of amalgamating the land titles was \$3,401 (GST exclusive) and this included the various \$1,201 statutory fees imposed by the Department of Planning, Lands & Heritage/Landgate. Given that figure is several years old, and the State Government has increased its fees it is estimated the amalgamation cost (when factoring in the final settlement agent/conveyancing costs also) would likely now be approximately \$5,000.

In the event that the landowner of Lot 102 was the successful purchaser of Lot 24, the Shire could in consultation with the purchaser, delay the transfer of the land so that rather than the Shire sell immediately Lot 24 to the purchaser, both parties could jointly lodge the amalgamation application (at the purchaser's expense), and final conveyancing incorporate the transfer of ownership along with the amalgamation of the titles and the exchange of the purchase funds. This process would thereby only incur 1 settlement agent action (i.e. the amalgamation of the 2 lots and the assignment of 1 'super' lot to the purchaser) rather than 2 settlement agent actions (i.e. the transfer of Lot 24 to the purchaser, and the purchaser then undertaking subsequent amalgamation of the titles) which would be at a reduced cost to the purchaser and resolve the issue of an application for a shed being delayed pending finalisation of the amalgamation.

Figure 10.1.1.2 – Aerial photo of Lot 24 Chapman Valley Road, Yuna



Figure 10.1.1.3 – View looking south at vacant Lot 24 (to the left) and enquirer's residence upon 7058 (Lot 102) Chapman Valley Road, Yuna



In the event that Council considers that Lot 24 is surplus to its requirements and wishes to dispose of this asset, then Section 3.58 of the *Local Government Act 1995* dictates that Council has the following 3 options:

- highest bidder at public auction; or
- public tender; or

- private treaty.

Shire staff have provided comment in relation to each of these options as follows.

Option 1 - Sale by Public Auction

The Shire has not sought to dispose of land through public auction in recent times, as advice from real estate agents has been that disposal through public auction does not appear to work well in rural townsite locations such as Yuna.

It is also noted that when the Shire investigated the public auction option as part of the Nabawa Shire lot disposal process in 2021 the quote from a local real estate agent to undertake the running of a public auction was \$7,000-\$7,500 (inclusive of \$1,000 marketing through photography, signage, online advertising & social media; \$1,000-\$1,500 auctioneer's fee & travel; \$5,000 real estate agent selling fee). This fee would likely erode a significant proportion, or perhaps even exceed, the return that might be had through public auction land sale.

The Shire would also incur further costs through the use of a settlement agent to transfer the land to the new owner(s) and attend to conveyancing, and this would be an incurred cost for all 3 options.

Given the likely sale price of the land (in comparison to the cost of holding an auction) and the uncertainty whether this would be the most effective means of selling the land, the option of holding an auction is not recommended by Shire staff in this instance.

It is also noted that under this method Council must sell to the highest bidder and there may be scenarios whereby Council might instead wish to consider the individual merits of received bids.

Option 2 - Sale by Public Tender

The sale of the land through public tender is the option recommended by Shire staff in this instance.

The Shire can under this option undertake the minimum statutory notification requirements or it can also seek to raise awareness of the public tender through additional measures (e.g. placement of sign on-site, extended tender period, notifications on its social media, placement of a notice in both state and local newspapers etc.).

This option is also favoured as it would not attract a real estate agent's selling fee or require the undertaking of a market valuation by a licensed valuer.

It is also noted that under this method Council retains the ability to accept a tender that in its opinion is the most acceptable tender whether or not it is the highest tender.

The most recent examples of Council disposing of land via the means of public tender was when it resolved to dispose of a vacant property in the Nanson townsite at its 20 April 2006 meeting and 2 vacant lots in the Nabawa townsite at its 16 June and 18 August 2021 meetings.

Should Council pursue this (recommended) option then the Shire would run a tender period for 2 weeks with a notice being placed in the West Australian, notices would also be placed in the Shire office, on the Shire website and a sign erected on-site. At the conclusion of the

tender period this matter would be returned to Council as a confidential item for its consideration of any received tenders.

Option 3 - Sale by Private Treaty:

Council can also consider under Sections 3.58 (3)-(4) of the *Local Government Act 1995* a sale by private treaty.

This can involve either:

- 3(a) Council accepting the received offer from the interested party (provided as separate Attachment 10.1.1) and subsequently giving public notice of the proposed disposition and inviting via public notice (counter) submissions to be made to the local government for a period not less than 2 weeks. The most recent example of Council disposing of land via this means was when it resolved to dispose of a property in the Yuna townsite to the lessee at its 19 August 2009 meeting.

or

- 3(b) Council engaging a real estate agent to market the lots and upon receipt of an offer(s) subsequently giving public notice of the proposed disposition and inviting via public notice (counter) submissions to be made to the local government for a period not less than 2 weeks. The most recent example of Council disposing of land via this means was when it resolved to dispose of a property in the Yuna townsite at its 20 March 2019 meeting (with subsequent public notice of sale occurring on 12 July 2019 upon receipt of an offer).

Whilst Option 3(b) can, through the engagement of a real estate agent, potentially generate the greatest level of exposure for the sale of the asset it would also attract a selling agent fee of \$5,000 (based upon a previously sourced quote) and also potentially advertising fees.

Both Options 3(a) and 3(b) will also incur the cost to Council of obtaining a prior valuation from a licensed valuer, and the cost of this work has increased significantly in recent years (cost likely to be in excess of \$3,000 based upon past valuation works) due to almost all licensed valuers previously operating in Geraldton no longer being based in this region.

Given the likely sale price of the land, in comparison to the cost of engaging a licensed valuer for Option 3(a) and a licensed valuer + real estate agent for Option 3(b), these options are not recommended by Shire staff in this instance.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Lot 24 (Volume 234 Folio 135A) Chapman Valley Road, Yuna has been owned by the Shire of Chapman Valley since 11 June 1969 when it was purchased for \$60.

Lots 102 and 24 are both zoned 'Residential R10' under the Shire of Chapman Valley Local Planning Scheme No.3.

Section 3.58 of the *Local Government Act 1995* establishes the means by which Council must dispose of property.

"3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.**
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and**
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.**
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.***
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.**

Regulation 30 under the *Local Government (Functions & General) Regulation 1996* also notes the following:

“30 Dispositions of property excluded from Act s.3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
 - (i) its market value is less than \$5 000; and**
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
*or**

- (b) the land is disposed of to a body, whether incorporated or not —*
- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - or*
 - (c) the land is disposed of to —*
 - (i) the Crown in right of the State or the Commonwealth; or*
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) another local government or a regional local government;*
 - or*
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or*
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
- (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- (g) it is the leasing of residential property to a person.*
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) the subject of State wide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) the names of all other parties concerned; and*
 - (ii) the consideration to be received by the local government for the disposition; and*
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under sub regulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) A disposition of property other than land is an exempt disposition if —*
 - (a) its market value is less than \$20 000; or*
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000."*

Policy/Procedure Implications

Section 6.6 of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings states:

"The development of an Outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently)."

Financial Implications

Budgetary Implications

In the event that Council considers that Lot 24 Chapman Valley Road, Yuna should be disposed of, it is recommended that the 2025/2026 Budget indicate that the funds derived from the property be assigned to the Land Development Reserve. This will enable the income sourced from the sale of vacant Shire residential land to be utilised for future land development or acquisition projects.

It is considered that the disposal of assets deemed surplus to requirements both reduces maintenance and liability to Council but assists in meeting a required Level of Service in the most cost effective manner for present and future community.

Strategic Implications

The Shire does not have an identified purpose for Lot 24 Chapman Valley Road, Yuna.

In the event that Council was to dispose of Lot 24 and later did wish to construct a residence in the Yuna townsite it would still be able to do so on Lot 26 Chapman Valley Road, which is the vacant 809m² residential zoned property on the other/eastern side of the GEHA house.

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.2 Address identified ageing population issues.

1.2.1 Advocate for current and future services and housing needs.

PHYSICAL & DIGITAL INFRASTRUCTURE

4.1 Develop, manage, and maintain built infrastructure.

4.1.1 Asset Management Plan.

GOVERNANCE & ACCOUNTABILITY

5.2 Be accountable and transparent while managing human and physical resources effectively

5.2.1 Asset Management.

Consultation

Should Council pursue the (recommended) option of disposal through public tender then the Shire would run a tender period for 2 weeks with a notice being placed in the West Australian, notices would also be placed in the Shire office, on the Shire website and a sign erected on-site. At the conclusion of the tender period this matter would be returned to Council as a confidential item for its consideration of any received tenders.

Risk Assessment

No Risks have been Identified.

10.2 Manager of Finance & Corporate Services

10.2.1 Financial Management Report

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. Financial Management Report May 2025 [10.2.1.1 - 49 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the Monthly Financial Management report supplied under separate cover for May 2025 including the following:
Statement of Financial Activities by Nature of Type
Statement of Financial Activity Information and Notes
Summary of Accounts Paid
Bank Reconciliation
Credit Card Statement

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Local Government (Financial Management) Regulations require monthly statements of financial activity to be reported and presented to Council.

Comment

The financial position at the end of May 2025 is detailed in the monthly management report activity to be reported and presented to Council.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Not applicable

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.3 Chief Executive Officer

10.3.1	Elected Member Superannuation
Department	Finance, Governance & Corporate Services Administration & Governance Chief Executive Officer
Author	Jamie Criddle
Reference(s)	401.00
Attachment(s)	Nil

Voting Requirements

Absolute Majority

Staff Recommendation

That Council in accordance with section 54, 62 and 63 of the Local Government Amendment Act 2024:

1. elect to pay superannuation to all elected members
or
2. elect to not pay superannuation to all elected members.

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

This report recommends that Council consider the option of paying superannuation contributions for Elected Members as permitted under the Local Government Act 1995. While this is not compulsory for Band 4 Councils such as the Shire of Chapman Valley, it is encouraged to align with industry best practices to retain existing and attract prospective Elected Members.

Recent updates from the Department of Local Government, Sport and Cultural Industries (DLGSC) advise that, effective from 1 February 2025, local governments may resolve by absolute majority to pay superannuation contributions to Elected Members in addition to existing fees and allowances.

The superannuation contribution rate aligns with the Commonwealth Superannuation Guarantee (Administration) Act 1992, which will increase to 12% by 1 July 2025. Section 5.99B of the Local Government Amendment Act 2024 enables this option.

Where a Council resolves to make superannuation contribution payments for its Council members, the amount of the payment is to be equivalent to the amount the Council would have been required to contribute under the Commonwealth Superannuation Guarantee

(Administration) Act 1992 as superannuation as though the Council members were employees of the local government.

For superannuation purposes, the following payments to Council members are considered Ordinary Time Earnings (OTE):

- Meeting attendance fees; and
- Annual allowance for the President, Deputy President

The following payments are not considered Ordinary Time Earnings and therefore do not attract superannuation contributions:

- Expenses reimbursed on claim (e.g., travel, vehicle, childcare, and professional development expenses); and
- Annual allowance in lieu of reimbursement of expenses.

Elected members must nominate a superannuation account to receive contributions and may opt out of receiving these contributions by providing written notice to the CEO. Additionally, if a Council member is paid fees and allowances in advance and subsequently resigns or is suspended, they are required to repay any overpaid superannuation contributions under Section 5.99E of the Act.

The amendments provide an exemption from having to declare a conflict of interest when deciding to pay superannuation to Elected Members and introduce a requirement for Class 1 and 2 local governments to pay superannuation from 19 October 2025. This does not apply to the Shire of Chapman Valley as a Band 4 Council; however, the provision to pay superannuation remains available.

A webinar hosted by WA Local Government Association (WALGA) and Moore (Taxation Advisors to the Shire of Chapman Valley) on 12 February 2025 outlined best practice recommendations for Elected Members superannuation contributions, providing clarity on the benefits and procedural steps for implementing such payments.

Superannuation for Council Members – Fact Sheet – Department of Local Government, Sport and Cultural Industries.

New provisions streamline the provision of superannuation to council members.

Following passage of the *Local Government Amendment Act 2024*, new sections 5.99B to 5.99E of the *Local Government Act 1995* (the Act) will allow local governments to resolve by absolute majority to make superannuation contributions for council members from 1 February 2025.

Prior to this, if a local government wanted to offer superannuation to council members, it would need to become an “Eligible Local Governing Body” (ELGB) under Division 446 of the Taxation Administration Act 1953 (Cth), which requires a unanimous council resolution.

How do these changes support local governments?

Making superannuation contribution payments for council members acknowledges the significant dedication and investment of time a council member commits to their role and helps bring council members in line with the wider workforce.

The resolution process is streamlined by only requiring an absolute majority decision rather than a unanimous one. Similarly, the system set out in the Act means superannuation can be paid without needing to also address the other taxation requirements of becoming an ELGB.

This reform aims to attract and retain council members and encourage greater diversity across local governments.

Is it mandatory?

- From 1 February 2025 all local governments will have the option to resolve by absolute majority to make superannuation contributions for council members.
- From 19 October 2025, it will become mandatory for class 1 and 2 local governments to make superannuation contributions.
- For class 3 and 4 local governments, the payment will remain optional for each council to decide if they want to make superannuation contributions to council members.

Where a local government is required to, or resolves to, make superannuation contributions, individual council members may choose to 'opt out' of receiving superannuation.

How will it work?

Superannuation contribution payments for council members will be made in addition to any other fees and allowances. These will sit outside the threshold for fees and allowances set by the Salaries and Allowances Tribunal. Council members may receive various types of fees and allowances, in accordance with the Act and the relevant determination of the Salaries and Allowance Tribunal.

The requirement to make superannuation contribution payments in respect of these fees and allowances is to be determined in accordance with Commonwealth Superannuation Guarantee (Administration) Act 1992 (SG Act) and the further guidance provided in Superannuation Guarantee Ruling SGR 2009/2.

While council members are not considered employees under the SG Act, they are to be treated in the same manner as employees of the local government for the purposes of calculating superannuation contribution payments.

The payment is to be the same required under the SG Act. By 1 July 2025, the superannuation guarantee rate will be 12 per cent.

The superannuation contribution payment is to be paid at the same time as the remuneration of the council member is paid. In order to allow a superannuation contribution payment to be made, a council member must nominate a superannuation account from a scheme or fund to which the SG Act applies. Local governments must not make a superannuation contribution payment for a council member if they fail to nominate an eligible superannuation account before the end of the month to which the payment relates.

Local governments must not make superannuation contribution payments for council members during any period in which they are suspended under the Act. Council members are also not entitled to a superannuation contribution payment during any period in which they are not entitled to receive their fees and allowances.

Individual council members may opt out of receiving superannuation contribution payments by providing a notice in writing to the CEO.

Advance payments

If a council member is paid their fees and allowances in advance, in the event of their resignation or suspension, they will need to repay any overpaid superannuation contributions. As this typically cannot be taken from the superannuation fund, the council member will need to repay this from their own finances.

The method of calculating the amount to be repaid is specified in regulations 32B and 34AE(2) of the Local Government (Administration) Regulations 1996.

Costs

The cost of paying superannuation for council members will need to be met by each local government out of its existing budget. This cost will vary depending on what fees and allowances the Salaries and Allowances Tribunal and the Council have determined to pay to the mayor / president and councillors and how many council members there are.

Non-compliance

In the event of non-compliance with the payment of superannuation the matter may be referred to the DLGSC as regulator of the local government sector. A council member could also seek to enforce the payment of their entitlements in court.

Comment

Council resolved at the December 2021 OCM to Disagree with DLGSCI “Local Government Reform Summary of Proposed Reforms” in relation to the payment of Superannuation contributions to Elected Members.

The rationale behind this decision was the fact the Superannuation is an employer’s obligation to an employee. Elected Members are not employees. A decision will be based on ATO determination not LGA's. State Govt committees are already paying superannuation, so it may be inevitable that LGA's will follow eventually. This amendment to the legislation has been made.

December 2021 OCM

5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
Current Provisions		Proposed Provisions
Comments		
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing 	Disagree.

<p>superannuation fund.</p> <ul style="list-style-type: none"> • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<p>allowances.</p> <ul style="list-style-type: none"> • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. • Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions. 	<p>Superannuation is an employer’s obligation to an employee.</p> <p>Elected Members are not employees.</p> <p>A decision will be based on ATO determination not LGA's. State Govt committees are already paying superannuation, so it may be inevitable that LGA's will follow eventually.</p>
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While Councils philosophy was not to support Superannuation contributions for its Council Members, this decision does not preclude Council from making such a decision to pay superannuation to its Elected Members in the future.

At a recent Concept Forum, Council requested that management seek the thoughts of our neighbouring Councils in the Midwest.

To date of the seven Band 4 Local Governments, all have declined the provision of Superannuation. Of the three Band 3 Local Governments, two have declined and one accepted the payment as optional (Noone has taken up the option for payment as yet.)

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

63. [Sections 5.99B to 5.99E inserted](#)

After section 5.99A insert:

5.99B. Superannuation for council members: main provisions

(9) In this section and sections 5.99C to 5.99E —

remuneration has the same meaning that it has in the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) section 11(1)(e);

superannuation contribution payment, in relation to a council member, means —

- (b) a payment of a prescribed type that is towards, or otherwise relates to, superannuation or retirement benefits for the council member; or
 - (b) in the absence of regulations made for the purposes of paragraph (a) — a payment that is a contribution to an account that —
 - (ii) is nominated by the council member to the local government; and
 - (ii) is for superannuation or retirement benefits from a scheme or fund to which the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) applies.
- (9) A local government may decide* to pay superannuation contribution payments for its council members under this section.
- * *Absolute majority required.*
- (9) A local government may revoke* a decision made by it under subsection (2).
- * *Absolute majority required.*
- (9) Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.
- (9) Regulations may make provision for determining —
- (b) when a superannuation contribution payment for a council member is payable; and
 - (b) the amount of a superannuation contribution payment for a council member.
- (9) Subsections (7) and (8) apply in the absence of regulations made for the purposes of subsection (5).
- (9) A superannuation contribution payment for a council member is payable with, and at the same time as, any remuneration of the council member paid by the local government.
- (9) The amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) as superannuation if —
- (b) the council member were an employee of the local government for the purposes of that Act; and
 - (b) the remuneration were salary or wages of the council member for the purposes of that Act.
- (9) This section is subject to sections 5.99C and 5.99D.

5.99C. Superannuation for council members: opt outs

- (4) This section applies to a local government —
- (b) for which a decision under section 5.99B(2) is in effect; or

- (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (4) A council member may, by written notice to the CEO (an **opt-out notice**), opt out of superannuation contribution payments.
- (4) An opt-out notice remains in effect unless, and until, the council member, by written notice to the CEO, revokes the opt-out notice.
- (4) If an opt-out notice is in effect, the local government cannot pay a superannuation contribution payment for the council member under section 5.99B.

Note for this subsection:

If an opt-out notice is revoked, the local government cannot pay a superannuation contribution payment for the council member that the local government could not previously pay because of this subsection.

5.99D. Superannuation for council members: other exceptions

- (6) This section applies to a local government —
 - (b) for which a decision under section 5.99B(2) is in effect; or
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (6) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B at any time when the *Taxation Administration Act 1953* (Commonwealth) Schedule 1 section 12-45(1)(e) applies in relation to the local government.
- (6) Subsection (4) applies in the absence of regulations made for the purposes of paragraph (a) of the definition of **superannuation contribution payment** in section 5.99B(1).
- (6) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government as referred to in paragraph (b) of the definition of **superannuation contribution payment** in section 5.99B(1).
- (6) Regulations may prescribe circumstances in which a local government —
 - (b) cannot pay a superannuation contribution payment for a council member under section 5.99B; or
 - (b) can pay only a portion of the amount of each superannuation contribution payment for a council member under section 5.99B.
- (6) Regulations may make provision for determining the portion referred to in subsection (5)(b).

Note for this section:

A superannuation contribution payment, or a portion of a superannuation contribution payment, that a local government cannot pay for a council member under subsection (2) or (4), or under a provision of regulations

made for the purposes of subsection (5), cannot be paid by the local government after the subsection or provision of regulations has ceased to apply. For example, if a local government cannot pay a superannuation contribution payment for a council member under subsection (2), the local government cannot pay the superannuation contribution payment after the *Taxation Administration Act 1953* (Commonwealth) Schedule 1 section 12-45(1)(e) ceases to apply in relation to the local government.

5.99E. Superannuation for council members: supplementary provisions

- (5) For the purposes of subsection (2), this subsection applies to a case in which —
- (b) section 5.102AB, 8.29(5)(b) or 8.30B(4)(b) applies in relation to an annual allowance or annual fee paid in advance to a person (the **relevant person**); and
 - (b) the local government paid a superannuation contribution payment for the relevant person under section 5.99B wholly or partly by reference to, or otherwise in connection with, the annual allowance or annual fee.
- (5) Regulations may, in respect of a case to which subsection (1) applies, make provision —
- (b) requiring the relevant person to pay the local government an amount (the **returnable amount**) that is equal to a percentage of the amount of the superannuation contribution payment; and
 - (b) for determining that percentage (which may be 100%); and
 - (b) for the local government to recover the returnable amount if it is not paid.
- (5) In making a determination under the *Salaries and Allowances Act 1975* section 7B, the Salaries and Allowances Tribunal must not take into account either of the following —
- (b) the payment of superannuation contribution payments by a local government under section 5.99B;
 - (b) a local government's power to decide to pay, or its duty to pay, superannuation contribution payments under section 5.99B.
- (5) Nothing in section 5.99B, 5.99C or 5.99D or this section, or that is done under section 5.99B, 5.99C or 5.99D or this section, makes a council member an employee of the local government.
- (5) A superannuation contribution payment paid by a local government under section 5.99B is not salary for the purposes of any written law.

Policy/Procedure Implications

A Policy or Procedure is affected:
Elected Member Governance Policy & Procedures

There are no current Shire of Chapman Valley policies related to Elected Member superannuation contributions. Should Council endorse this proposal, an appropriate policy may be developed for consistency and clarity. This policy would be incorporated into the Council Policy Manual, which serves as the compiled decisions of Council to the Chief Executive Officer and other officers, detailing how specific matters are to be administered and the standards to apply.

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

Should Council resolve to pay superannuation contributions to Elected Members, there will be an increase in the Shire's expenditure. The financial impact will depend on the number of Elected Members who choose to receive contributions and the percentage allocated. This will be factored into future budget considerations. Elected Members should seek independent financial advice to understand how superannuation contributions may impact their personal financial circumstances.

On the assumption that all Elected Members choose to receive superannuation, the indicative additional cost to the Shire in the 2025/26 Annual Budget will be approximately \$10,140, based on an assumption of 12% superannuation, all Elected Members participating and total eligible allowances of \$84,502. (\$34,000 equates to 1% rate increase)

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

WALGA Webinar – 12 February 2025

Moore (Taxation Advisors to the Shire of Chapman Valley)

Risk Assessment

A Minor Financial Impact Risk of Level 2 - Which will likely be between \$1,001 to \$10,000.

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

An Insignificant Reputational Risk of Level 1 - Which will likely result in unsubstantiated, low impact, low profile or 'no news' item.

11 Elected Members Motions

<p style="text-align: center;">Local Government Act 1995 SHIRE OF CHAPMAN VALLEY Standing Orders Local Law 2016</p> <p>Part 5 - Business of a meeting</p> <p>5.3 Motions of which previous notice has been given</p> <p>(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.</p> <p>(2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.</p> <p>(3) A notice of motion is to relate to the good governance of the district.</p> <p>(4) The CEO -</p> <p>(a) may, with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;</p> <p>(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;</p> <p>(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and</p> <p>(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.</p> <p>(5) A motion of which notice has been given is to lapse unless:</p> <p>(a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or</p> <p>(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.</p> <p>(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.</p>
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The Council has not received any notice of motion from an elected member at the time of writing this report.

12 New Business of an Urgent Nature Introduced by Decision of the Meeting

<p style="text-align: center;">Local Government Act 1995 SHIRE OF CHAPMAN VALLEY Standing Orders Local Law 2016</p> <p>Part 5 - Business of a meeting</p> <p>5.4 New business of an urgent nature</p> <p>(1) In cases of extreme urgency or other special circumstances, matters may, on a motion</p>
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by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

13 Announcements by Presiding Member Without Discussion

14 Matters for which Meeting to be Closed to Members of the Public

Local Government Act 1995

Administration Part 5

Council meetings, committees and their meetings and electors'

meetings Division 2

s. 5.23

The council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for.

The Council has no confidential items for consideration.

15 Closure